



**US Army Corps
of Engineers**
Portland District

PUBLIC NOTICE

for PERMIT APPLICATION

Issue Date: April 25, 2003

Expiration Date: May 27, 2003

Corps of Engineers Action ID: 200200868

Oregon Division of State Lands Number: 26603-RF

30 Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CENWP-OP-GP (Ms. Mary J. Headley)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: Yacht Harbor at Hayden Island, LLC, Mr. Jim Stotler and Mr. John Nelms
1000 NE 122nd Street
Portland, Oregon 97230

Location: Columbia River, River Mile 107.3, Hayden Island, vacant land west of 515 N. Tomahawk Island Drive, Section 35, Township 2 North, Range 1 East, and Section 2, Township 1 North, Range 1 East, in Portland, Multnomah County, Oregon

Purpose: The applicant seeks to develop an economically viable mixed-use marina community within the Portland Metropolitan Area Urban Growth Boundary (UGB). The need for the project is based on market research indicating a growing demand for specific services by owners of boats greater than 30 feet in length but less than 100 feet.

Project Description: The proposed project site is located on a 25.83 parcel of land. The proposed water-dependent development includes a marina with 204 slips accommodating watercraft 30 to 100 feet in length, dredging, access gangway, docks, piling, a floating marina service kiosk, stormwater treatment, bankline stabilization, and construction of an access channel to the Columbia River, via an existing marina to the east. The development would also include an upland residential/commercial component, including condominium buildings, clubhouse, surface and underground parking, offices and retail outlets.

The following activities associated with the project will require Department of the Army authorization: 1) Placement of fill in approximately 0.09 acre of palustrine emergent and

scrub/shrub wetlands; 2) Excavation of approximately 65,000 cubic yards of material (approximately 500 foot length) comprising a berm that currently separates the pond from the Columbia River, and 3) Placement of rock, gravel, large woody material, and live vegetation on the slopes of the newly breached berm to stabilize the embankment.

In the event the Corps determines it necessary to minimize adverse impacts to waters of the United States, the applicant has proposed compensatory mitigation to create shallow water habitat, upland wildlife habitat, and refuge areas. This would involve enhancing areas along the remaining portions of the berm through grading, installation of root wads and boulders, and extensive native vegetation plantings. The applicant's goal for the mitigation area would be to create a net increase in wetland and riparian functions and values beyond those currently provided under existing conditions.

Drawings: 8 drawings entitled Yacht Harbor at Hayden Island - Permit Application COE No. 200200868

Additional Information: Additional information may be obtained from Ms. Mary J. Headley, Project Manager, U.S. Army Corps of Engineers at (503) 808-4392.

Authority: This permit will be issued or denied under the following:

Section 10, Rivers and Harbors Act 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States.

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

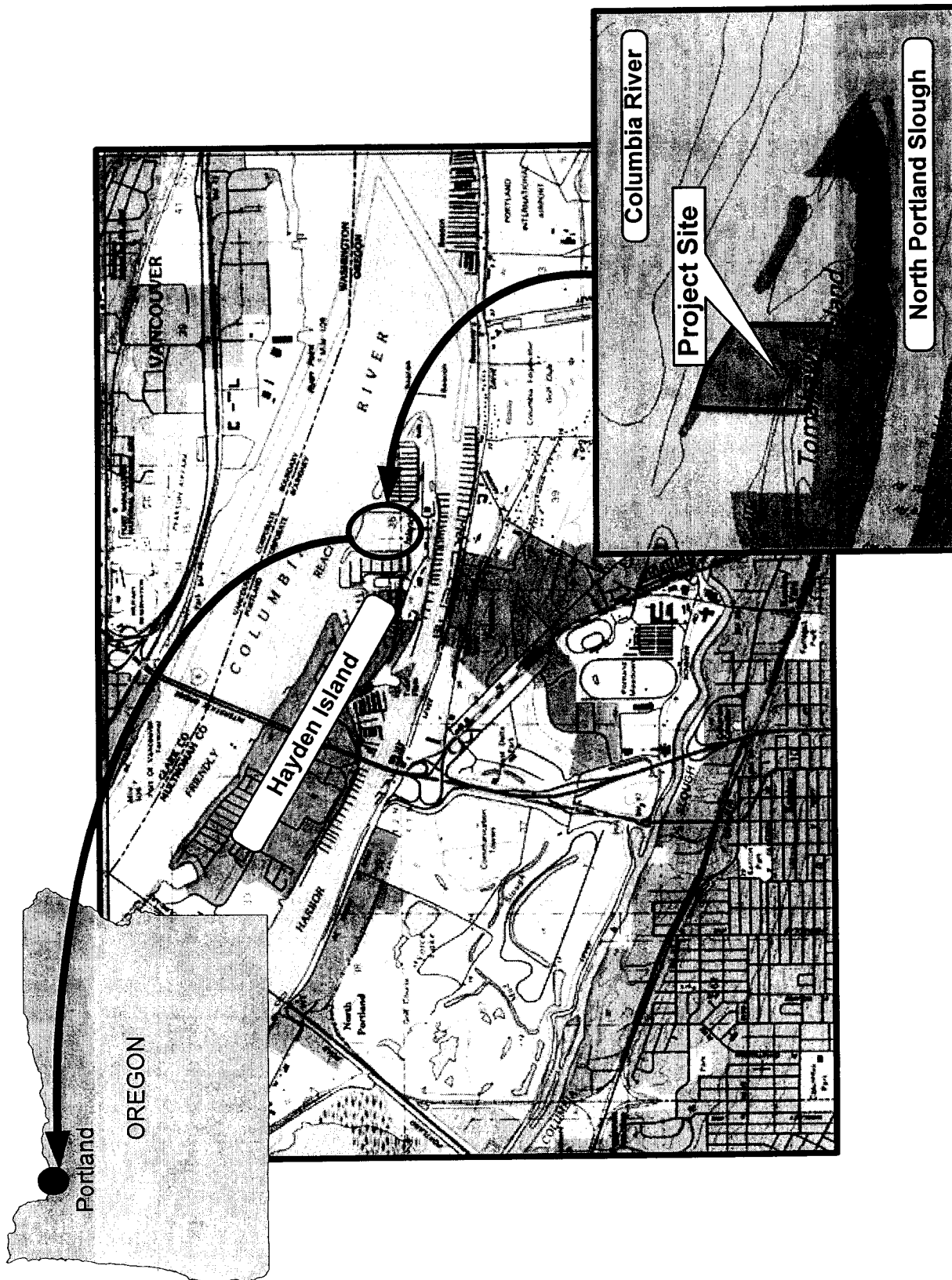
Endangered Species: Preliminary determinations indicate that the proposed activity may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated. A permit for the proposed activity will not be issued until the consultation process is completed.

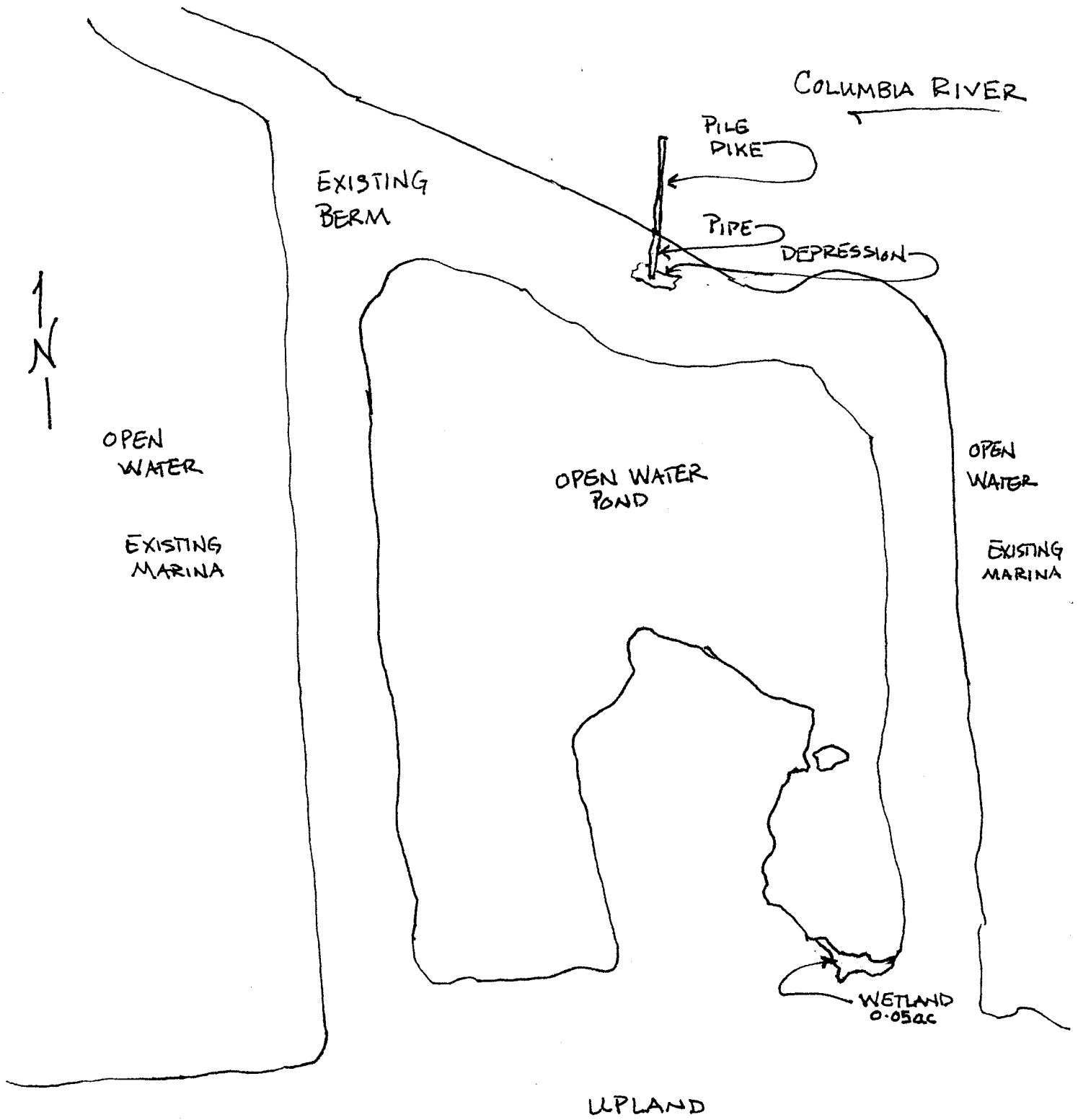
Cultural Resources: The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This site has experienced extensive modification over time through quarry activities and natural accretion of sand. It is therefore not likely that cultural resources would be found within the project area. This notice has been provided to the State Historic Preservation Office and interested Native American Indian Tribes.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.





Yacht Harbor at Hayden Island – Permit Application COE No. 200200868

EXISTING
CONDITIONS
07/02
NOT TO SCALE

Site Information

Columbia River
River mile 107.5
Project Datum Columbia River Datum (CRD)
Lat/Lon 45 36' 25", 122 39' 33"

Project Data

Slip count	204
Total dock area	44,000 sf
Grating area	8,800 sf
Target grating percentage	20 %
Piling	190
Gangway	600 sf
Dredge volume	195,000 cy
Dredge impact area	10.8 acres
Rock import	20,000 cy
Mitigation area	0.8 acres
Riparian planting area	1.5 acres

Impact avoidance/minimization efforts

- Aluminum gangway
- Steel pile - unpainted
- Pile caps - to protect predatory birds
- Encapsulated foam floatation
- Concrete floats
- Grating to minimize shading
- Integrated riverbank/storm water treatment
- Green riverbank design techniques



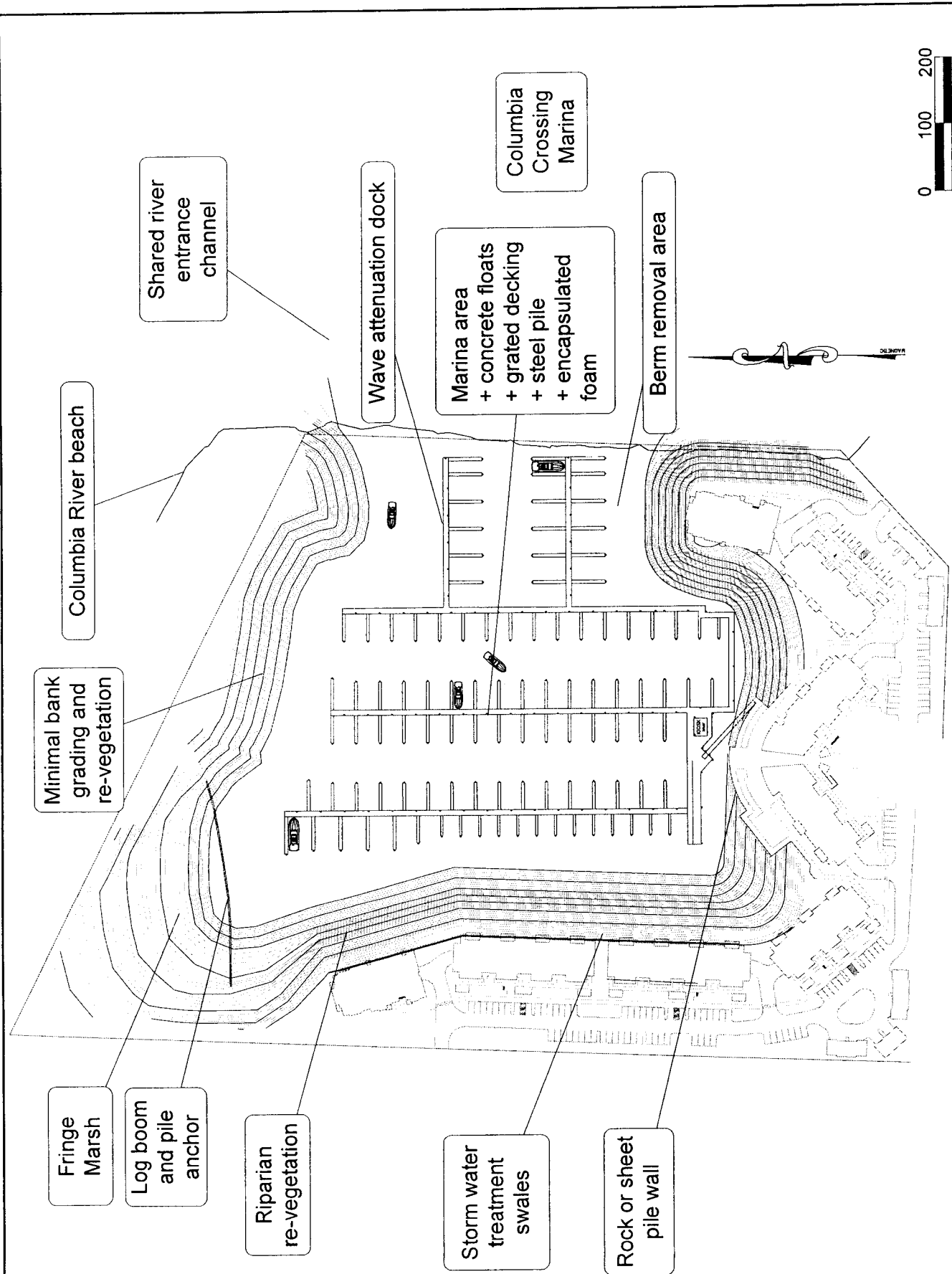
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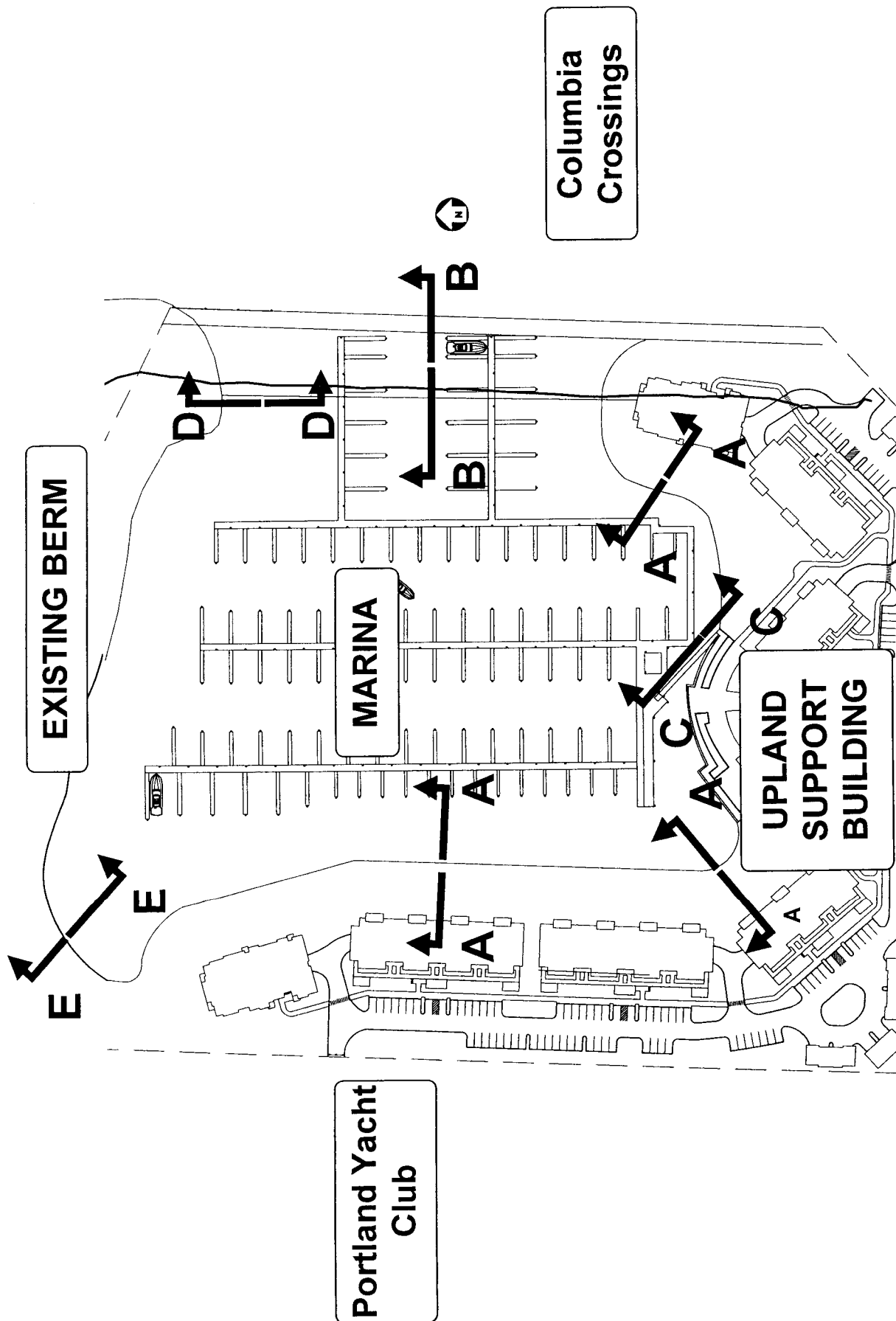
Project Data Sheet - Figure 2

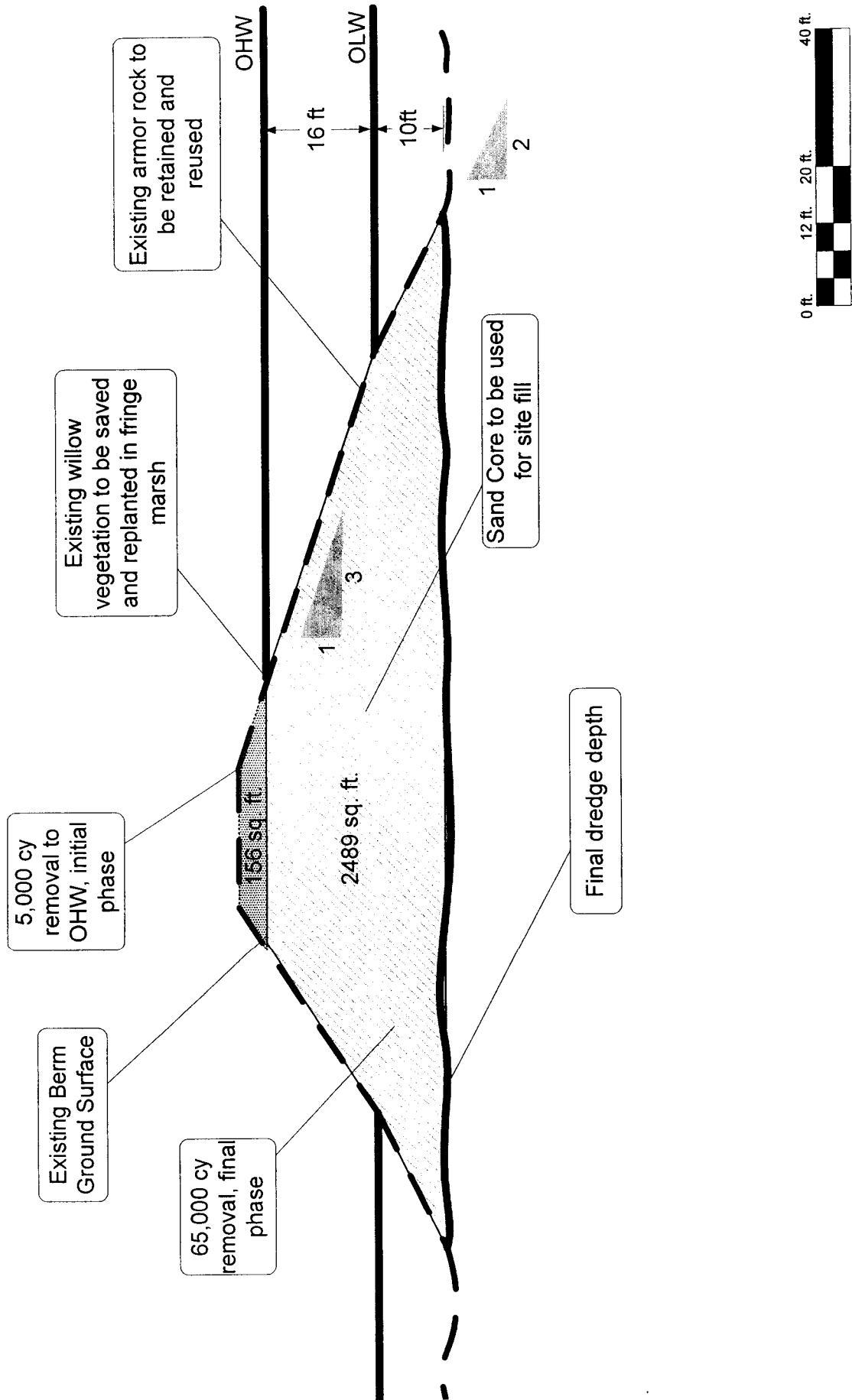
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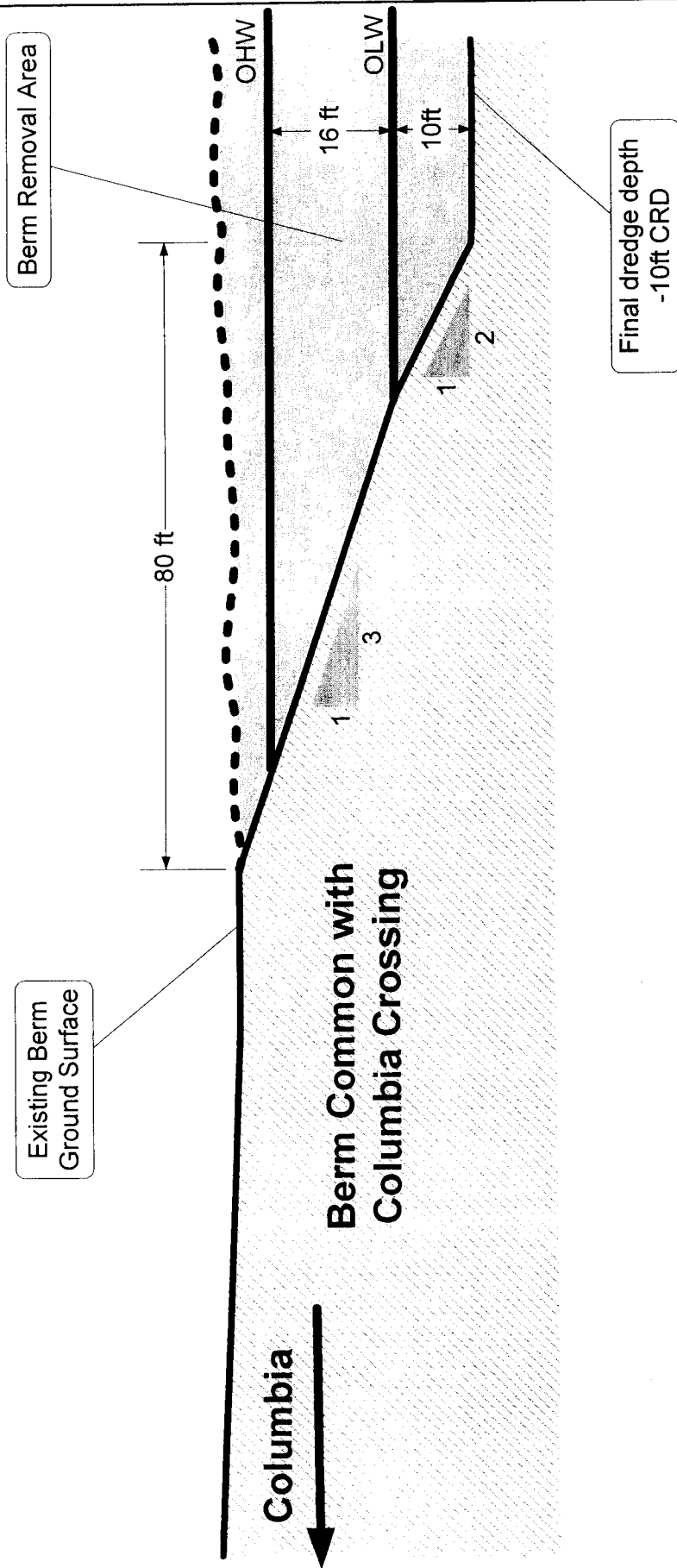
11/14/02

River Mile - 107.5



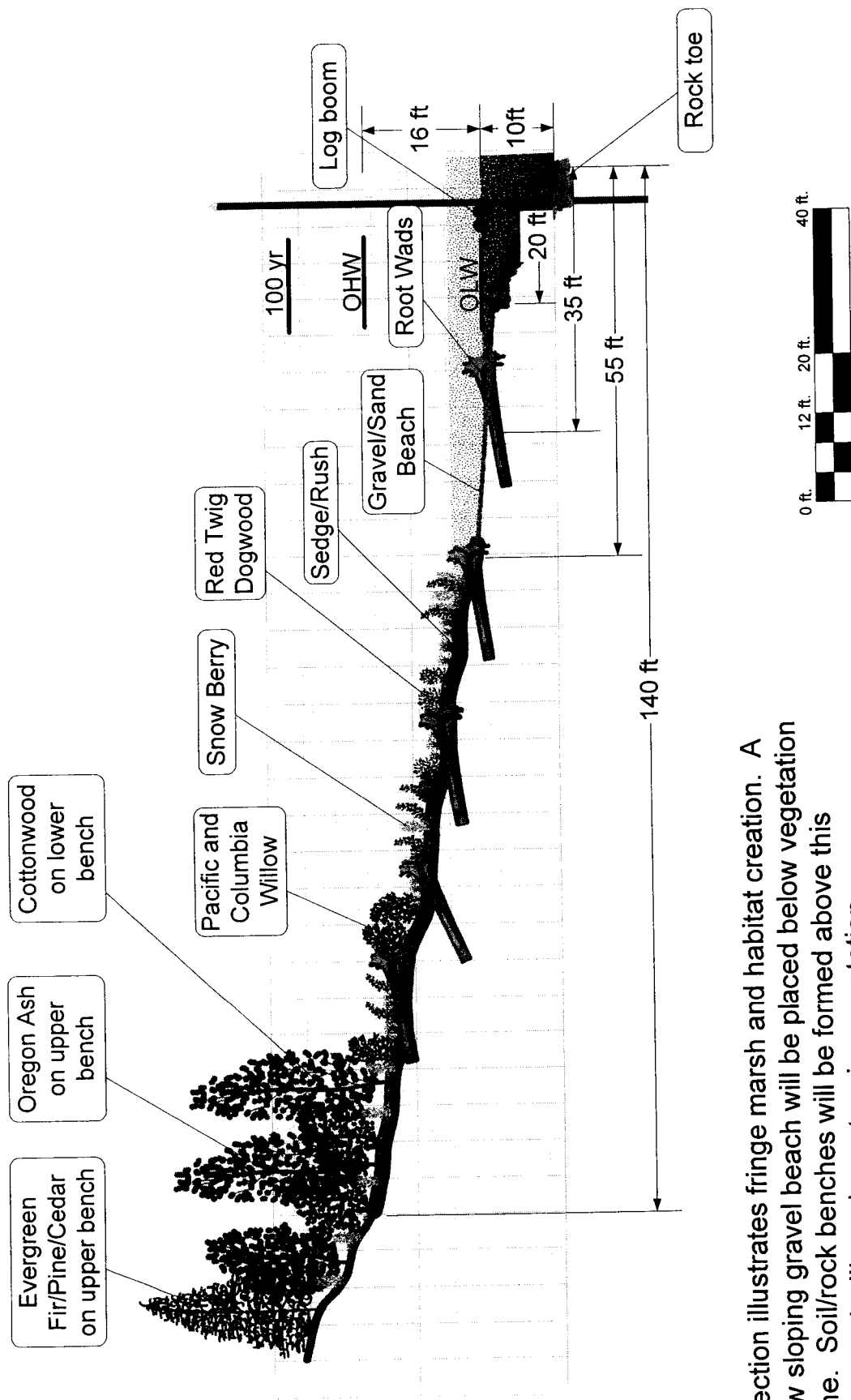






Yacht Harbor at Hayden Island - Fill Permit Application		
8/11	Section DD - Figure 8	11/14/02 River Mile - 107.5





This section illustrates fringe marsh and habitat creation. A shallow sloping gravel beach will be placed below vegetation limit line. Soil/rock benches will be formed above this elevation and will receive extensive vegetation.



Yacht Harbor at Hayden Island - Fill Permit Application

Section EE - Figure 9

9/11

11/14/02

River Mile - 107.5

Oregon Department of Environmental Quality

Water Quality 401 Certification

Corps of Engineers Action ID Number: 200200868
Oregon Division of State Lands Number: 26603-RF

Notice Issued: April 25, 2003
Written Comments Due: May 27, 2003

WHO IS THE APPLICANT: Yacht Harbor at Hayden Island, LLC, Mr. Jim Stotler and Mr. John Nelms

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice

WHAT IS PROPOSED: See attached Corps public notice on the proposed project.

NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. 6th Avenue, Portland, Oregon 97204

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator, (503) 229-5845 or toll free within Oregon at 1-800-452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. ***People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.